

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DALE RUSSELL LEISCHNER

Plaintiff,

vs.

LABRADOR, ET AL.,

Defendants.

CV-24-105-M-DLC

ORDER
NUNC PRO TUNC

Dale Russell Leischner filed a civil rights complaint, related to his conditions of confinement in a jail in Idaho. (Doc. 1.) The Complaint is improperly venued in the District of Montana. The underlying acts occurred in the District of Idaho. Leischner alleges no facts sufficient to support an inference that any defendant is subject to the general jurisdiction of Montana's courts. Nor does he identify any relationship among the events underlying the Complaint, his claims against the defendants, and the District of Montana, much less a "substantial connection" among the three. *Walden v. Fiore*, 571 U.S. 277 (2014).

Lack of personal jurisdiction, like lack of subject-matter jurisdiction, can and should be raised and acted on by the Court when a plaintiff's allegations are wholly insufficient to connect the action or any defendant with the District of filing. *See World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 (1980) ("As has long been settled, and as we reaffirm today, a state court may exercise

personal jurisdiction over a nonresident defendant *only so long as* there exist 'minimum contacts' between the defendant and the forum State.") (emphasis added); *see also Sanders v. United States*, 760 F.2d 869, 871 (11th Cir. 1985) (per curiam); *Martin-Trigona v. Smith*, 712 F.2d 1421, 1424 (D.C. Cir. 1983) (per curiam) (both affirming dismissal of actions that failed to allege facts indicating personal jurisdiction might lie in the district of filing).

Personal jurisdiction does not lie in the District of Montana.

Accordingly, pursuant to 28 U.S.C. § 1631, IT IS HEREBY ORDERED that this action is TRANSFERRED to the District of Idaho. Any further submissions under this case number in the District of Montana will be discarded without filing or forwarding.

DATED this 26th day of August, 2024.



Dana L. Christensen, District Judge
United States District Court